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GOVERNMENT OF TAMIL NADU

PERSONNEL & ADMINISTRATIVE REFORMS (PER.N) DEPARTMENT

Letter No. 98225/Per.N/93-1., Dated 14-12-1993.

From

Thiru M. Ahmed, I.A.S.,
Secretary to Government.

Sir/Madam,

Sub: Disciplinary Proceedings - Initiation of
Proceedings under rule 17(a) or 17(b) of
Tamil Nadu Civil Services (Classification,
Control & Appeal) - Rules, 1953 - framing
of charges - Guidelines - Reiterated.

Ref: Circular No. 14353/Per.N/93-1., dated 11-3-93.

In the Government Circular cited, detailed guide-
lines were issued about the initiation of disciplinary
action under rule 17(a) and 17(b) of Tamil Nadu Civil
Services (Classification, Control & Appeal) Rules so as
to avoid unnecessary delay etc. in processing the disci-
plinary cases. Of late, repeated references are received
by the Government about delays in the disposal of depart-
mental proceedings against delinquent Government servants.
Quashing of cases due to technical and procedural ~~flaws~~
flaws which would lead the accused persons ultimately to
go scot free are also brought to notice frequently. If
the prescribed procedure is correctly followed, the above
kind of happenings may not occur.

2. In this connection, I would like to draw your
specific attention to para-6 of the circular cited,
according to which charges under Rule 17(b) of the said
rules may be framed only when a major penalty is warranted
based on the gravity of the allegations, if proved. In
all other cases, action may be pursued under Rule 17(a)
only. Infact only Rule 17(a) would lead to quick and
effective results where a major penalty is not warranted.

3. Further, framing of charges under Rule 17(b)
of the Tamil Nadu Civil Services (Classification, Control
and Appeal) Rules would have adverse effect on the pro-
motion of the officer concerned. The procedure for enquiry
is elaborate and a lot of man-power and stationery would
be spent on the enquiry. Generally the proceedings under
Rule 17(b) take considerable time in enquiring witnesses,
analysing evidence, etc. Therefore, action under Rule
17(b) should be resorted to only when really warranted.
It should not be undertaken to end up as a futile ~~ex~~

exercise . Framing of charges under Rule 17(b) in a routine fashion, as observed in many cases now should be strictly avoided. Routine framing of charges under Rule 17(b) when only a minor punishment is warranted would cause unnecessary harassment to Government servants affecting their morale , in addition to needless expenditure to Government and wastage of office time and energy. Rule 17(b) should not be resorted to, except where, after a careful consideration of the allegations by the disciplinary authority, a conscious view is taken that if the allegations are established a major punishment (dismissal/removal/compulsory retirement from service or reduction in rank/seniority) would be warranted. Once action is taken under Rule 17(b) and the charges are proved, the conclusion also should be logical. At the same time , a case really warranting ~~for~~ a major punishment should not be watered down and dealt with under Rule 17(a).

4. I am further to point out that disciplinary action, where due, should be prompt. If action is unduly delayed, the effect of such action as a corrective mechanism to the individual as well as to the other similarly placed would be considerably belittled. Disciplinary action, while proper, should also be as prompt in initiation as it should be fast in disposal.

5. In the above circumstances, the Government would like to reiterate the strict observance of the instructions issued in the circular cited. All the Departments of Secretariat and Heads of Department are requested to scrupulously follow the instructions issued in the Government Circular cited and the further instructions contained herein, while initiating and processing disciplinary cases.

Yours faithfully,

Sd/-.....

for Secretary to Government

ROC. 338/93/C1.

COPY COMMUNICATED

High Court, Madras.

Dated: 24--1--1994

[Signature]
ADMINISTRATIVE OFFICER (A.D.)

To

1. The Presiding Judge, Designated court no.1 under TADA Act, Poonaallee, Madras. 600 056.
2. The Presiding Officer, Labour Courts, Madras/Madurai/Vellore/Coimbatore/Tirunelveli/Cuddalore/Tiruchirappalli/Salem.
3. The Industrial Tribunal, Madras.